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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/873,716 | 06/04/2001 | Julie Ann Valentine | 35010/127 | 4953 |

28286 7590 04/10/2002

IP PATENTS
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EXAMINER

DICKENS, CHARLENE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2855

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,716

Applicant(s)

Valentine

Examiner

Dickens

Group Art Unit

2855

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15, 18, 19 is/are rejected.
- ☒ Claim(s) 16, 17 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 6-4-01 is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

2. Claims 16 and 17 are objected to under 37 CFR 1.75© as being in improper form because 16 depends from itself and 17 depends from 16. Accordingly, the claims have not been further treated on the merits.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is not clear if the first and second flowmeters and the controller are interconnected together or to the other recited elements due to the futuristic language "operably".

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the


art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


6. Claims 1-15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suggitt et al. in view of Gaisford. Suggitt et al. disclose a mass flowmeter system for use in controlling a reformation reaction in a hydrogen production system (Figs. 1,2), comprising: a hydrocarbon feedstock supply 12; a steam supply 20; a mass flowmeter 38 operably connected to said hydrocarbon feedstock supply; a second mass flowmeter 38 operably connected to said steam supply; and a controller 36, the controller having program instructions; wherein said mass flowmeter is a Coriolis mass flowmeter; wherein said program instructions include instructions for adjusting a ratio of said steam mass flow rate to said hydrocarbon mass flow rate, the hydrocarbon feedstock having a plurality of hydrocarbon fractions; wherein the program instructions include instructions for using said ratio as a constant; and wherein the program instructions include instructions for determining said ratio from a correlation based upon a measured physical parameter of said hydrocarbon feedstock (col. 11, lines 30-67, col. 12, lines 1-5). Suggitt et al. do not disclose the meters are Coriolis flowmeters. Gaisford discloses Coriolis flowmeters can be used in a hydrogen production system (col. 8, lines 23, 24) for the purpose of measuring the density of a mixture. It would have

been obvious to one having ordinary skill in the art at the time the invention was made to have Coriolis flowmeters in Suggitt et al. as taught by Gaisford for the purpose of measuring the density of a mixture. The steps in the claimed method of claims 10-15, 17 and 18 are deemed to be made clearly obvious by the functions of the structure of the combination discussed above.

7. The art made of record and not relied upon is considered pertinent to applicant's disclosure. Dutton and Czernichow both disclose flowmeters in hydrocarbon systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.


cd/dickens
April 4, 2002


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